

REMARKS

The Applicant elects to prosecute the Group I claims, claims 1-3, 5-16, 18, 19, 22-25, and 221-227, with traverse. The Applicant has amended the Group II claims, claims 45, 46, 52, and 228-241, to depend upon the Group I claims, without prejudice. Claims 208-220 have been cancelled, without prejudice, as being drawn to a non-elected invention.

Applicant asserts that the Examiner's Restriction requirement is improper for the following reasons. The Restriction requires that "(2) the inventions do not overlap in scope, i.e., are mutually exclusive." The Restriction is based on the following defective allegations:

(1) It is alleged that the Group I invention requires an acoustic generator, whereas the Group II invention requires a platter with a plurality of megasonic transducers attached to the backside of the platter. However, an acoustic generator can be much broader in scope than just its transducers. An acoustic generator can be a device that generates and transmits acoustic energy, which may also include other structures attached to one or more transducers. Therefore, a platter having transducers attached to it, is a type of acoustic generator, which transmits acoustic energy through the platter. In conclusion, the Group II platter, with attached transducers, is a subset of the Group I acoustic generator, and thus, the Group I and Group II inventions overlap in scope and are not mutually exclusive.

(2) It is alleged that the Group I invention requires a liquid in contact with the acoustic generator and provides the predominant means for transferring acoustic energy, whereas the Group II invention does not require that the liquid contact the transducers. However, the Group II

invention does require that the liquid contact the platter, with the attached transducers, and provide the predominant means for transferring megasonic energy. Since the platter with the transducers constitutes a type of acoustic generator, the liquid in the Group II invention is in contact with the acoustic generator and provides the predominant means for transferring acoustic energy. In conclusion, the liquid in the Group II invention and in the liquid in the Group I invention both contact the acoustic generator and transfer acoustic energy, thus, the Group I and Group II inventions overlap in scope and are not mutually exclusive.

- (3) It is alleged that the Group I invention requires a dispenser for flowing a liquid onto the wafer, whereas the Group II invention requires a nozzle for flowing a liquid onto the wafer. Clearly, a nozzle is a type of dispenser, and thus a subset of the group of dispensers. In conclusion, the nozzle in the Group II invention is a subset of the dispenser in the Group I invention, and thus, the Group I and Group II inventions overlap in scope and are not mutually exclusive.

- (4) It is alleged that the Group I invention requires the generation and transfer of acoustic energy, whereas the Group II invention requires the generation and transfer of megasonic energy. Clearly, megasonic energy is a type of acoustic energy, and thus a subset of the larger group of acoustic energy apparatuses. In conclusion, the megasonic energy apparatuses in the Group II invention is a subset of the acoustic

energy appartuses in the Group I invention, and thus, the Group I and Group II inventions overlap in scope and are not mutually exclusive.

Applicant asserts that for the above reasons the Restriction requirement is improper and respectfully request that the Examiner withdraw the Restriction requirement and rejoin the Group II claims with the Group I claims. However, in order to expedite prosecution of the application, Applicant has amended claim 45 of the non-elected Group II invention, to depend on claim 1 of the elected Group I invention. Further, Applicant has cancelled claims 208-220, without prejudice, as being drawn to a non-elected invention.

CONCLUSION

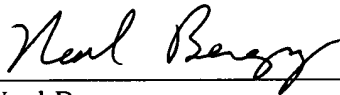
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Mr. Neal Berezny at (408) 962-7563 or Mr. Michael A. Bernadicou at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Neal Berezny
Reg. No. 56,030

Patent Counsel
Legal Affairs Dept.
Applied Materials, Inc.
P. O. Box 450A
Santa Clara, CA 95052

Direct telephone calls to:
Michael A. Bernadicou
(408) 720-8300